

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Karen Testerman, *pro se*
Lynn-Diane Briggs, *pro se*
Wayne Paul Saya, Sr., *pro se*
Plaintiffs

Vs

DAVID SCANLAN
SECRETARY OF STATE FOR NEW HAMPSHIRE, et al,
Defendants

Docket No. 23-cv-00499-JL-AJ

**DECLARATION OF 'KAREN TESTERMAN' IN SUPPORT OF PLAINTIFF'S
AMENDED MOTION AND MEMORANDUM FOR EXPEDITED
INJUNCTIVE RELIEF**

I, Karen Testerman, Plaintiff *pro se*, in the above-entitled and numbered action, depose and submit as follows:

Summary

1. I am a New Hampshire inhabitant of 30-years, currently residing at 9 Stone Avenue, Franklin, New Hampshire.
2. I have been a conservative candidate for the New Hampshire Governor in the year 2010, and and in 2020, and 2022 I was the Republican primary challenger against Governor Chris Sununu. In 2014 I was the Republican challenger against Senator Jean Shaheen for the U.S. Senate.

3. I am a former city counselor for the town of Franklin, New Hampshire.
4. My education consists of a Bachelorette degree in microbiology and a minor in chemistry.
5. I am the founder and former executive director, of Cornerstone Policy Research, a non-partisan, non-profit Christian advocacy organization, and one of forty state organizations associated with each other, and Founder and former CEO of First Principles, a Concord, NH conservative organization.
6. I have been a member of the New Hampshire Republican Party since I moved to New Hampshire over 30-years ago.

The Controversy

7. I can attest to "Exhibit E" as a valid document, where I authored Resolution 2 entitled "Resolution To Restrict The Primaries To Registered Republicans". This Resolution was successfully adopted during a January 28, 2023 vote at the Annual Meeting of the NH-GOP.
8. New Hampshire state law, RSA 654:34 currently allows "undeclared" voters to change their party affiliation on Election Day. Because of this, the NH-GOP "NHGOP" did not want "undeclared" voters to have the ability to pull (vote for) a Republican ballot.
9. During the January 28th, 2023 annual meeting of the NH GOP, the state Republican Party had voted to restrict "undeclared" voters from voting in the Republican primary through the above-named Resolution2. The reason; for years the NH Secretary of State has been violating RSA 659:14,II, by allowing "undeclared" voters to pull (vote for) a

Republican ballot on primary day without a letter of permission from the Republican Party (as required by RSA 659:14,II).

10. Once the January 2023 Resolution 2 was adopted, NH GOP Chair Chris Ager should have written a letter notifying the Secretary of state that a rule had been adopted restricting undeclared voters from pulling a Republican ballot on primary day.

11. Instead of writing the letter, on February 3, 2023 Chris Ager chose to have a meeting with Secretary of State Scanlan, after which Chris Ager notified me that the Secretary of State advised the Resolution violated a nonspecific RSA (New Hampshire state law).

12. On February 6, 2023 the NH-GOP Executive Committee of which I am a member had its meeting and at this meeting Chairman Chris Ager informed the members that at the meeting with the Secretary Scanlan he was advised Scanlan would not close the primary to “undeclared” voters.

13. From this time in January until the time of this affidavit filing, Chairman Ager has made no known efforts to restrict “undeclared” voters from pulling a Republican ballot on primary day. This is in the face of the previous adoption of the Party to do so, and regardless of the language in my Resolution indicating “registered undeclared voters can influence the outcome of the [Party’s] nominations. *See page 2, paragraph 2 of “Exhibit E”*.

14. On or around September 15th, 2023 was the first time other Republicans whom I associate with along with other Party members became aware that the Secretary of State was not honoring the rule that was adopted by the Party back in January 28th, 2023, due

to the fact there were advertisements and media releases indicating an October 6th, Party registration deadline.

15. These advertisements and knowledge that the Secretary of State did not close the ability to change political Party affiliations was both frustrating and alarming to me and to a significant number of Republicans state-wide.

16. On or before September 15, 2023 Representative Nikki McCarter (R-Belmont) had a phone conversation with me regarding the actions taken from the January 28th adoption of my Resolution, and to review the procedure to close the Primary for “undeclared” voters at the NH-GOP Annual Meeting.

17. On or about October 5, 2023 a small group of voters communicated online to discuss the situation and what actions can be taken. (A number of these emails are available)

18. I sent a letter via certified mail and email to Chairman Ager with a copy to Secretary Scanlan notifying them of the discovery and asking for a copy of any previous permission letter(s) made by the Party in accordance with RSA 659:14,II , if any in fact are in existence. “**Exhibit F**”-3 pgs.

19. In a separate action former Representative Norman Silber submitted a 91-A (Right-To-Know) request for the existence of a letter from the NHGOP on file notifying the Secretary of State of a rule adopted by the NHGOP *permitting* an “Undeclared” voter to pull a Republican ballot at the primary. *See ‘Exhibit B’*.

20. Additionally, Secretary Scanlan advised in this letter (*above*) that no prior written notices of a Republican State Party change relative to the issue of primary elections has been located.

21. I received an email response from Chairman Ager iterating his February report and suggesting an amendment to the by-laws in the upcoming January 13, 2024 meeting.

“Exhibit G” However, this email from Chris Ager was in conflict to the email sent to Norman Silber (“Exhibit B”) by Secretary Scanlan, advising Mr. Silber “. . . it would require written notice of a rules change from the party chair.” My confusion, Chairman Ager has known about the NH-GOP rules change since January 28th when my Resolution was adopted, around 9-months previous. It was at this point I firmly believed Chairman Ager was acting in a disingenuous manner.

22. On October 6, 2023, I wrote a letter to Chairman Ager explaining the statutory process regarding the “party rule [that we had passed in January] has been adopted . . . “

“Appendix H”

23. In a letter dated October 9, 2023, I made a formal request of Chairman Ager to immediately commence suit against the Secretary of State to enjoin the holding of Republican primaries open to voters who appear at the polls on primary election day registered as Undeclared, seeking a temporary restraining order and preliminary injunction to that effect pending a full trial on the merits. **“Appendix D”**

24. In and around October 12, 2023 I forwarded the copy of the email from Secretary Scanlan (stating that no letter of permission exists from the NHGOP) to Lynn-Dianne Briggs, a co-Plaintiff with me in this action.

25. I have known co-Plaintiff Lynn-Diane Briggs for around 25-years, and have worked on a number of programs and events with her, both public and private. We stay actively in-touch regularly.

26. I have known co-Plaintiff Wayne Saya as a Republican who has supported my previous political campaigns for office, and who is highly regarded by NH conservatives. I also shared a number of the documents attached here as exhibits with Wayne Saya before discussions of this action had taken place.

27. The three of us (co-Plaintiffs) shared our enormous grief and displeasure at, what we had come to mutually agreed upon, was a manipulation of the political election process by members of our own GOP Party.

28. I was particularly aggrieved knowing that my valued vote was being made worthless through a system and mode-of-operation enforced by the NH Secretary of State and politically supported by the chair of my own Party.

29. I was and continue to be upset that these acts by the Defendants were an attempt to pre-ordain the direction of a primary and an election while diluting my vote into nothing, removing my rights and vote as an inhabitant and citizen of New Hampshire.

30. When it was realized that no attorney would take our grievances to court, it was agreed that we would file our own complaint in federal court. The reason for filing in federal court was because, first, each of us could have our own city and towns addressed in one suit, and secondly, the election we were mutually concerned about was the fast-approaching federal Presidential primary, and finally, each of us wanted to have (what we identified as) the unlawful election practices by the Defendants eliminated or at least legally addressed for future primaries within our own city and towns.

31. As inhabitants of New Hampshire and our great country we share a bond and commitment to follow the rules. Because elections have consequences we should not be tampering with the very rules we firmly demand and rely upon for elections.

Respectfully submitted,

SWORN TO AND SUBSCRIBED THIS 1ST DAY OF DECEMBER,
UNDER PAINS & PENALTIES OF PERJURY.

A handwritten signature in black ink, reading "Karen Testerman". The signature is fluid and cursive, with the first name "Karen" and last name "Testerman" clearly legible.

Karen Testerman, Plaintiff, *pro se*
9 Stone Avenue
Franklin, New Hampshire 03235
Karen@karentesterman.com
603-721-9933

CERTIFICATE OF SERVICE

I, Karen Testerman, *pro se*, have caused to deliver the named DECLARATION OF 'KAREN TESTERMAN' IN SUPPORT OF AMENDED MOTION AND MEMORANDUM FOR EXPEDITED INJUNCTIVE RELIEF, and the foregoing documents have been served upon the following Defendants and Plaintiffs, certified mail or U.S. postage pre-paid:

David Scanlan, Defendant
ATTN: Brendan Avery O'Donnell, Attorney
NH Department of Justice (Concord)
33 Capitol St
Concord, NH 03301
603-271-3650
Fax: 603-271-2110
Email: brendan.a.odonnell@doj.nh.gov

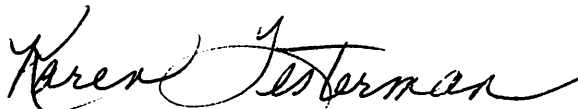
Chris Ager, Defendant, Chairman
New Hampshire Republican State Committee
ATTENTION: Attorney Bryan K. Gould
Cleveland, Waters and Bass, P.A.
2 Capital Plaza
Concord, NH 03302-1137

And served upon the following Plaintiffs:

Lynn-Diane Briggs, Plaintiff, pro se
4 Golden Pond Lane
Amherst, New Hampshire 03031
Lynbdance@gmail.com
603-801-6886

Wayne Paul Saya, Plaintiff, pro se
24 Cadogan Way
Nashua, NH 03062
waynesaya2@gmail.com
571-220-3344 mobile

SWORN TO UNDER PAINS AND PENALTIES OF PERJURY this 1ST day of December, 2023.



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603-721-9933